

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In Re:	:	
	:	
JEFFERY DANIEL WISMER	:	
	:	
Debtor	:	Case No. 14-11207-BFK
	:	(Chapter 7)
.....	:	
	:	
CHRISTOPHER ARNTZEN	:	
	:	
Plaintiff	:	
	:	Adv. No. 14-01105-BFK
v.	:	
	:	
JEFFERY DANIEL WISMER	:	
	:	
Defendant	:	

**JOINT MOTION TO CONTINUE TRIAL**

COME NOW the plaintiff, Christopher Arntzen, and the defendant, Jeffery Daniel Wismer, by counsel, and file this motion to continue the trial scheduled in this case, and support thereof they state as follows:

1. On November 3, 2014 the court set this matter for trial on December 19, 2014.

2. On November 10, 2014 the court heard and took under advisement the plaintiff's motion for summary judgment based on the argued collateral estoppel effect of an earlier judgment based on a trial between the same parties in the Circuit Court of Fairfax County.

3. Among the possible outcomes of the plaintiff's motion are its denial, which would result in a retrial of all of this issues in this case, or its granting in part based on the collateral

estoppel effect of some of the issues determined in the Fairfax case. The latter result would see the plaintiff having to retry some, but not all of the issues heard in the earlier case, and perhaps, having to litigate them with a different emphasis than anticipated. The same is true for the defendant's burden in preparing to meet the plaintiff's proof.

4. As of the date of this motion, the court has not rendered a decision of the summary judgment motion, and the respective counsel sincerely believe that since trial is only two weeks away, that even if the decision were announced today, given their uncertainty about what issues will need to be litigated, whether some or all, they would not be in a position to do their best in either prosecuting or defending the case at this point, and thus their clients would be prejudiced.

WHEREFORE counsel respectfully pray that this court continue the scheduled trial date to a time to be reset not earlier than forty-five days after the plaintiff's summary judgment motion is decided, and for such other relief as may be needed.

JEFFERY DANIEL WISMER  
CHRISTOPHER ARNTZEN  
By counsel

/s/ Richard G. Hall  
RICHARD G. HALL, Esquire  
Counsel for the defendant  
7369 McWhorter Place, Suite 412  
Annandale, Virginia 22003  
(703)256-7159  
VAB #18076

/s/ James L. Heiberg

James L. Heiberg, Esquire  
Counsel for the plaintiff  
Law Offices of Jonathan Gelber, PLLC  
201 Park Washington Court, First Floor  
Falls Church, Virginia 22046  
(703) 237-2775  
VAB #34250